



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/270,111	03/16/99	CONRAD	5562-769/FMD

001059
BERESKIN AND PARR
40 KING STREET WEST 40TH FLOOR
P O BOX 401
TORONTO ON M5H 3Y2
CANADA

IM22/0131

EXAMINER
SPITZER, R

ART UNIT	PAPER NUMBER
1724	

AIR MAIL

DATE MAILED: 01/31/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/270,111

Applicant(s)
Conrad et al.

Examiner
Spitzer, Robert H.

Group Art Unit
1724



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-39 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-15, 30, and 32-34 is/are allowed.

☒ Claim(s) 16, 28, 29, 31, 35, 38, and 39 is/are rejected.

☒ Claim(s) 17-27, 36, and 37 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1724

1. Claims 1-15, 30 and 32-34 are allowed.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim is indefinite because it recites "a preset pressure" without any correlation to the identical recitation in step (d) of claim 30. Change "a" to "the" or "said" to overcome this rejection.

4. Claim 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 16, 28, 29, 35, 38 and 39 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by both the process and apparatus of Sircar et al. (4,013,429), wherein the output of the adsorbers goes to a pressurizable storage means "41", and the purging occurs through either

Art Unit: 1724

valve "37" or "38", which valves are operably associated with the storage means when it reaches a preset pressure.

7. Claims 17-27, 36 and 37^{are} objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The remaining references listed on both the PTO-892 and the PTO-1449 show art of interest. Particular attention is directed to Kauer, Jr. et al. (3,659,399), wherein pressure switch "45" in storage tank "14" initiates the purge cycle by deactivating the feed air compressor and McCombs et al. (4,561,865), wherein pressure switch "22" associated with tank "28" also closes valves "10" and "30", which initiates the purging of adsorber "14".

9. As allowable subject matter has been indicated, Applicants should make the following corrections to their specification in response to this office action: page 1, line 9, "absorption" should be "adsorption", and in line 23, "gasses" should be "gases"; page 2, line 1, "absorption" should be "adsorption"; page 5, line 1, "apposed" should be "opposed", and in line 12, "mechanically" should be "mechanical"; page 7, line 11, "pressurizing an" should be "pressurize a"; page 8, line 24, the first occurrence of "a" should be "an"; page 9, line 23, "unabsorbed" should be "unadsorbed"; page 13, line 1, "zone" should be inserted after "adsorption"; page 15, line 14, "deformable member 16" should be "displaceable member 46"; page 16, line 23, "18" should be "46"; page 18, line 19, "26" should be "46"; in claim 2, line 1, "wherein" should be inserted before "the stream"; and, in claim 35, step (c), line 2, "an" should be "a".

Art Unit: 1724

10. Any inquiry concerning this communication should be directed to Robert H. Spitzer at telephone number (703) 308-3794.

Robert H. Spitzer/om
January 27, 2000

Robert H. Spitzer

ROBERT SPITZER
PRIMARY EXAMINER
GROUP 1724
01/31/2000